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6109 BLUE CIRCLE DRIVE  
SUITE 2000  
MINNETONKA MN 55343-9185

Applicant: Lawrence et al.  
Appl. No.: 10/664,265  
Filing Date: September 17, 2003  
Title: BOTTLEWASH ADDITIVE  
Attorney Docket No.: E14.2P-10817-US02  
Pub. No.: US 2005/0037939 A1  
Pub. Date: February 17, 2005

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OFFICE OF PETITIONS

This is a decision on the paper titled a "Request for Correction of Notice of Publication of Application", filed on April 1, 2005, for the above-identified application

The request is DISMISSED.

Applicant requests that the Notice of Publication of Application be corrected because the assignee was improperly listed as "Scimed Life Systems, Inc." on the front page of the publication when the assignee is "Ecolab Inc."

The Notice of Publication cannot be reprinted with the typographical correction as requested, as there is not a method to regenerate the Notice.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.<sup>1</sup>

The instant request does not identify a material mistake in the publication made by the office. The assignee's name was correctly printed on the patent application publication in accordance with the name provided on the Application Data Sheet (ADS).<sup>2</sup> The office prints the assignee information as reflected on the transmittal letter or application data sheet, if provided by applicant. The request for a corrected filing receipt and ADS received on March 18, 2005, which indicated that the assignee is "Ecolab Inc" was received after the publication of the application.

<sup>1</sup> See Comment 59, Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

<sup>2</sup> See Comment 59, Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57047 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 84 (Oct. 10, 2000) (final rule).

On November 9, 2004, a Filing Receipt was mailed, which listed the assignee as "Scimed Life Systems, Inc." To avoid this type of problem in the future, applicant's representative should make a request for a corrected filing receipt using the facsimile number (703-746-9195) on the Filing Receipt.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

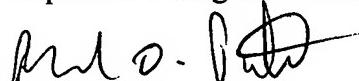
Applicant's request for a Corrected Notice of Publication on April 1, 2005, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Va. 22313-1450

By facsimile: 703-872-9306 or after July 15, 2005, 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice).

  
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